

Message Text

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PAGE 01 LUSAKA 01053 091541Z

43

ACTION XMB-04

INFO OCT-01 AF-06 ISO-00 EB-07 COME-00 TRSE-00 OPIC-03

AID-05 /026 W

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P 091535Z JUN 75

FM AMEMBASSY LUSAKA

TO SECSTATE WASHDC PRIORITY 1714

LIMITED OFFICIAL USE LUSAKA 1053

EO 11652: N/A

TAGS: EFIN

SUBJECT: EXIM CREDIT NO 5894

1. ACTING PERM SECY MINISTRY OF PLANNING AND FINANCE
WALUSIKU TODAY ASKED EMBASSY ASSISTANCE IN CLARIFYING
TERMS OF EXIM CREDIT 5894 FOR PURCHASE 10 LOCOMOTIVES
BY ZAMBIA RAILWAYS. GRZ MINISTRY OF LEGAL AFFAIRS FINDS
UNACCEPTABLE ARTICLE III A (6) REGARDING WAIVER OF RIGHT
TO PLEA SOVEREIGN IMMUNITY IN THE EVENT OF SUIT. WALUSIKU
ASSERTED THIS IS FIRST TIME PROVISION FOR SUCH PRIOR WAIVER
OF SOVEREIGN IMMUNITY HAS APPEARED IN EXIM AGREEMENT. HE
ACKNOWLEDGED WAIVER OF RIGHT TO PLEA IMMUNITY IN EVENT OF
SUIT CAN AND DOES ARISE BUT NOT IN ADVANCE OF SUCH SUIT.
HE STATED LEGAL AFFAIRS FINDS REMAINDER OF AGREEMENT
"GENERALLY ACCEPTABLE" AND NOTED SPECIFICALLY GRZ HAS NO
OBJECTION TO ARTICLE VII WHICH PROVIDES THAT THE AGREEMENT
SHALL BE GOVERNED BY AND CONSTRUED IN ACCORDANCE WITH THE
LAWS OF NEW YORK STATE. HRE REQUESTS THAT EIGTHER CLAUSE
ON SOVEREIGN IMMUNITY BE DELETED OR LOAN AGREEMENT FOR
CREDIT NO. 5894 BE PUT IN SAME LANGUAGE AS CREDIT 4453
(WHICH FINANCED EARLIER LOCOMOTIVE PURCHASE) AND OTHER
PREVIOUS LOAN AGREEMENTS.

2. WOULD APPRECIATE EXIM COMMENTS ASAP.

NELSON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: CREDIT, PROCUREMENT, ROLLING STOCK
Control Number: n/a
Copy: SINGLE
Draft Date: 09 JUN 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ShawDG
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975LUSAKA01053
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D750200-0631
From: LUSAKA
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750669/aaaackon.tel
Line Count: 52
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION XMB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 1
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ShawDG
Review Comment: n/a
Review Content Flags:
Review Date: 02 SEP 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <02 SEP 2003 by SmithRJ>; APPROVED <17 DEC 2003 by ShawDG>
Review Markings:

Margaret P. Grafeld
Declassified/Released
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EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: EXIM CREDIT NO 5894
TAGS: EFIN, US, ZA, XMB
To: STATE
Type: TE
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